

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

OMAR MONTALVO,

Defendant.

Crim No. 95-70 (JLL)

ORDER

This matter comes before the Court on Defendant's submission of a Motion for Leave to Proceed on Appeal in forma pauperis [CM/ECF Docket Entry No. 31], and it appearing that:

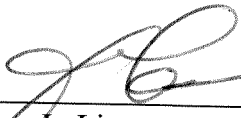
1. Defendant has submitted an application to proceed in forma pauperis setting forth his inability to pay or to give security for fees and costs and claiming an entitlement to redress, pursuant to Federal Rule of Appellate Procedure 24(a)(1).
2. Defendant has not, however, submitted an affidavit setting forth the issues that he intends to present on appeal as required by Federal Rule of Appellate Procedure 24(a)(1)(C).

IT IS on this 6th day of November, 2013,

ORDERED that Defendant's motion for leave to proceed on appeal in forma pauperis [CM/ECF Docket Entry No. 31] is **denied without prejudice**; and it is further

ORDERED that within thirty (30) days of the date of entry of this Order, Defendant shall re-submit his entire application, including but not limited to the accompanying affidavit described above.

IT IS SO ORDERED.



Jose L. Linares
United States District Judge